

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-31 are pending in this application. Claims 1 and 15 are independent. All of the pending claims stand rejected. By this amendment, claims 1, 15, 30 and 31 are amended. No new matter has been amended by this amendment.

Rejection under 35 U.S.C. §101

Claims 30 and 31 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Office Action indicates that “the specification ... defines the claimed computer readable medium as encompassing statutory media such as a ‘ROM’, ‘hard drive’, ‘optical drive’, memory card etc., as well as non-statutory subject matter such as a ‘LAN’ and ‘WAN’ which are not concrete storage medium ...” (page 2 of the Office Action) The Office Action further indicates that “the full scope of the claim as properly read in light of the disclosure encompassing non-statutory subject matter, the claim as a whole is non-statutory.” (page 3 of the Office Action)

First of all, Applicant believes that a claim can be made as long as the claim has support from the disclosure regardless of whether the disclosure has includes an element which is not claimed.

Secondly, as indicated in the Office Action, the “LAN” and “WAN” are not storage medium. Therefore, claims 30 and 31, reciting “storage medium”, are not directed to cover these elements.

Accordingly, Applicant believes that each of claims 30 and 31 falls within the statutory subject matter.

Nonetheless, each of claims 30 and 31 is amended to clearly recite “[a] computer readable medium for storing a program ...”

Reconsideration and withdrawal of the rejections of claims 30 and 31 under 35 U.S.C. §101 is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 1-31 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,808,681 to Kitajima (“Kitajima”).

The Office Action indicates, *inter alia*, that col. 6, lines 14-63 discloses “calculating a color temperature for processing the first image” of the present invention as recited in, e.g., claim 1.

Kitajima discloses a control method of an image sensing device in which the controller (e.g., CPU) suitably selects a white balance control value between when the strobe does not flash and when the strobe does flash. It is indicated in Kitajima that a proper white balance can be made for the whole photographing image plane having a main object at which the strobe light can arrive and background at which the strobe light cannot arrive. See, e.g., col. 2, lines 23-41 of Kitajima.

However, Applicant believes that Kitajima fails to show or suggest at least one aspect of the present invention as featured in, e.g., claims 1 and 15 in which a color temperature is calculated for processing the taken image signal. A portion of the original specification teaches the detection of the color temperature as follows:

In this case, the color temperature of flash light is detected as follows. That is, only an image portion/portions around the color temperature (e.g., 7000 to 8000K) corresponding to flash light of the entire image (actually sensed image to be recorded in the recording medium 200 or 210) undergoes white detection which extracts colors included in a white detection range based on the black body locus, the color temperatures of the detected colors are averaged, and the obtained (averaged) color temperature is determined as that of the flash light. (page 26, lines 1-25)

Another portion of the specification teaches that the detected color temperature is “weighted” (e.g., calculated) based on the light amount information (e.g., the brightness) of the sensed image. See, e.g., page 26, line 26 through page 28, line 8 of the original specification.

As Applicant understand it, there is nothing in Kitajima that teaches calculating of the color temperature as recited in claims 1 and 15. For example, the cited portion of Kitajima (i.e., col. 6, lines 14-63) by the Office Action merely teaches that the data processing section 6 calculates the value of a/b indicating a contribution degree of the strobe light, wherein a is image data obtained in the first exposure in which the strobe light is emitted, and b is image data obtained in the second exposure in which the strobe light is not emitted. Kitajima then corrects the color gain by the AWB control value separately for the pixel at which the strobe light does not arrive and for the pixel at which the strobe light arrives.

Accordingly, each of claims 1 and 15 is neither anticipated by nor rendered obvious in view of Kitajima for at least the reasons discussed above.

Nonetheless, claims 1 and 15 are amended for further clarification. In particular, each of amended claims 1 and 15 recites, *inter alia*, that “the color temperature is calculated based on the light amount information detected from the first image.” Support for the amendment may be found, for example, page 27, line 26 through page 28, line 8 of the original specification. Applicant believes that amended claims 1 and 15 further distinguish over Kitajima.

Reconsideration and withdrawal of the rejections of claims 1 and 15 under 35 U.S.C. §102(b) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims (i.e., claims 2-14 and 16-31) because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

AUTHORIZATION

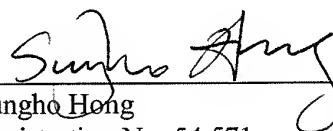
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5115). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: May 2, 2007

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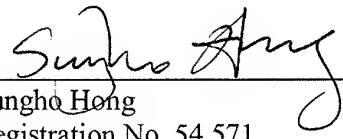
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